

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Service Rules for AWS in the 1.7 GHz and 2.1 GHz Bands)	WT Docket No. 02-353
)	
Service Rules for AWS in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz, and 2175-2180 MHz Bands)	WT Docket No. 04-356
)	
Below 3 GHz Spectrum for AWS/3G Stations)	ET Docket No. 00-258
)	
Modification of the ULS to Allow TV Pickup Stations and Remote Pickup Stations to Document the Locations and Heights of Their Receive-Only Sites)	RM-11308
)	
Improving Public Safety Communications in the 800 MHz Band)	WT Docket No. 02-55
)	
Request by Globalstar, Inc. to Expand Its Ancillary Terrestrial Component (ATC) Authority to Encompass Its Full Assigned Spectrum)	RM-11339
)	
Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service (MSS) Systems in the 1.6/2.4 GHz Bands)	IB Docket No. 02-364
)	

**OPPOSITION TO THE SOCIETY OF BROADCAST ENGINEERS’
PETITION FOR RECONSIDERATION**

T-Mobile USA, Inc. (“T-Mobile”)¹ respectfully submits the following opposition to the Society of Broadcast Engineers’ (“SBE’s”) Petition for Reconsideration of the Wireless

¹ T-Mobile is a national provider of wireless voice, messaging, and data services. T-Mobile recently paid almost \$4.2 billion to the U.S. Treasury for 120 AWS licenses in the 1.7/2.1 GHz bands, including 93 A Block licenses (1710-1720/2110-2120 MHz), the upper band of which is adjacent to BAS Channel A7 (2093-2110 MHz).

Telecommunications Bureau's Order regarding the clearinghouse operations of the Commission's 2.1 GHz band relocation cost-sharing plan.²

DISCUSSION

The Commission should dismiss SBE's Petition because it is procedurally deficient. Specifically, the Petition has nothing to do with the *Clearinghouse Order* it purports to challenge. Rather, SBE is seeking changes to the AWS service rules for the 1.7/2.1 GHz bands, which were adopted in an Order released November 25, 2003.³ SBE did not seek reconsideration of that Order until now and, as such, SBE's Petition is grossly out-of-time.

Last summer, the Wireless Telecommunications Bureau released the *Clearinghouse Public Notice* inviting proposals for entities interested in serving as a clearinghouse to administer the Commission's cost-sharing plan.⁴ The *Clearinghouse Order* formally selected CTIA and PCIA as the two qualified clearinghouses, announced the first date of clearinghouse operations, and detailed the duties and responsibilities of the clearinghouses.⁵ Although the *Clearinghouse Order* addresses an issue raised by the Association for Maximum Service Television ("MSTV") regarding BAS operations in the 2025-2110 MHz band,⁶ this by no means opens the door for SBE to ask the Commission to reconsider the AWS service rules. To the contrary, the Bureau

² Petition for Reconsideration, The Society of Broadcast Engineers, Incorporated, WT Docket No. 02-353 (filed Apr. 4, 2007) ("SBE Petition").

³ *Service Rules for the Advanced Wireless Services in the 1.7 GHz and 2.1 GHz Bands*, Report and Order, 18 FCC Rcd 25162 (2003), *recon.* 20 FCC Rcd 14058 (2005).

⁴ *Wireless Telecommunications Bureau Opens Filing Window for Proposals to Develop and Manage the Clearinghouse that will Administer the Relocation Cost Sharing Plan for Licensees in the 2.1 GHz Bands*, Public Notice, 21 FCC Rcd 6616 (2006).

⁵ *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems*, Order, 22 FCC Rcd 4680, ¶ 1 (2007) ("*Clearinghouse Order*").

⁶ *Id.* at ¶ 31.

specifically noted that MSTV's request that clearinghouses be required to inform AWS licensees of their responsibility to protect adjacent channel BAS operations⁷ was "not within the scope of the Commission's cost-sharing plan."⁸

SBE now asserts the Commission's *pre-existing* rules on out of band emission ("OOBE") suppression requirements for AWS base station transmitters present an interference threat to TV Broadcast Auxiliary Service ("BAS") operations at 2025-2110 MHz. SBE therefore requests that the Commission adopt more stringent OOBE suppression requirements and also impose restrictions on how closely an AWS base station can be built to electronic news gathering receive-only ("ENG-RO") sites.⁹ Not only is this attempt to bootstrap issues from a long closed proceeding into a reconsideration request of the *Clearinghouse Order* untimely, it is also improper because SBE itself never asked the Commission to revise the BAS interference rules for the 2110-2155 MHz band at a point when such a petition would have been timely. To the contrary, SBE voiced its interference concerns in a proceeding adopting service rules for the 1915-1920/1995-2000 MHz ("H Block") and 2020-2025/2175-2180 MHz ("J Block") bands.¹⁰

Finally, SBE's Petition should be dismissed because SBE has not satisfied section 1.106(b)(1) of the Commission's rules, which requires a petitioner to demonstrate "why it was

⁷ Letter from David L. Donovan, The Association for Maximum Service Television, to Marlene H. Dortch, FCC, Re: DA 06-1279, at 1 (filed Jul. 31, 2006) (urging "that all clearinghouses fully inform all new adjacent channel AWS licensees of their responsibility to protect 'first-in-time'" adjacent channel BAS operations).

⁸ See *Clearinghouse Order* at ¶ 31. The Commission agreed that information sharing was a good idea, but noted that the issue was not germane to the administration of clearinghouses or cost sharing.

⁹ SBE Petition at 3-7.

¹⁰ SBE's comments in this proceeding have not been addressed by the Commission because the Commission has yet to issue an Order on the service rules for the H and J Blocks. See *Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands*, Notice of Proposed Rulemaking, 19 FCC Rcd 19263 (2004).

not possible for [it] to participate in the earlier stages of the proceeding.”¹¹ SBE did not file comments or reply comments on the *Clearinghouse Public Notice*, and its Petition provides no justification for its failure to do so. SBE’s submission of comments in the H and J Block service rules proceeding is not a substitute for participation in the actual proceeding subject to its reconsideration petition here.

CONCLUSION

For the forgoing reasons, T-Mobile urges the Commission to dismiss SBE’s Petition as procedurally defective.

Respectfully submitted,

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¹¹ 47 C.F.R. § 1.106(b)(1). Furthermore, FCC Rule 1.106(f) states that a reconsideration petition “shall be served upon parties to the proceeding” and SBE did not serve T-Mobile with a copy of the SBE Petition.

CERTIFICATE OF SERVICE

I, Patrick Welsh, do hereby certify that on this 16th day of April 2007, I caused copies of the foregoing “Opposition to the Society of Broadcast Engineers’ Petition for Reconsideration” to be delivered to the following via First Class U.S. mail or email:

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